IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

CRL.A.No. 638 of 2002()

C.C.NO.117/1992 OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-1, KANNUR

APPELLANT: COMPLAINANT:

C. MOHAMMAD SALI, S/O. MOIDU HAJI,
NEAR OLD THOONOLI MILLS,
THALIKKAVU NORTH WARD, KANNUR.

BY ADV. E.V.NAYANAR ASSOCIATES

RESPONDENTS: ACCUSED:

MANOOKARA CHANDRASEKHARAN,
HOUSE NO.C.604, SHREE KOVIL,
NEAR KAKKAD POST OFFICE, KAKKAD,
KANNUR-5.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.638 of 2002(B)

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Dated this the 16th day of October, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.117/1992 in the file of the Judicial Magistrate of the First Class-I, Kannur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 12/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.638 of 2002(B)

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J U D G M E N T

16th October, 2007